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Attorneys for Defendant
WESLEY MAYDER

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VERIGY US, INC., a Delaware Corporation,

Plaintiff,

v.

ROMI OMAR MAYDER, an individual;
WESLEY MAYDER, an individual; SILICON
TEST SYSTEMS, INC., a California
Corporation; and SILICON TEST
SOLUTIONS, LLC, a California Limited
Liability Corporation, inclusive,

Defendants.

AND RELATED CROSSCLAIMS.

Case No. 5:07-cv-04330-RMW (HRL)

**SUPPLEMENTAL DECLARATION OF
WESLEY MAYDER IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT**

[F.R.C.P. RULE 56]

Date: July 18, 2008

Time: 9:00 a.m.

Ctrm: 6

Before the Hon. Ronald Whyte

Complaint Filed: August 22, 2007

Trial Date: December 8, 2008 (jury trial)

(Defendants have elected to reserve their jury
trial rights under F.R.C.P., Rule 38)

1 1, Wesley Mayder, declare, under penalty of perjury, as follows:

2 1. The matters stated herein are true and correct of my personal knowledge, unless stated
3 on information and belief, which matters I believe to be true. I could and would competently
4 testify to the matters set forth herein if called as a witness.

5 2. I have executed a prior declaration as to some of the matters at issue in this action, and
6 provide this as supplemental testimony in support of summary judgment on all claims against me.

7 3. I have no background in the semiconductor industry. I work in the Internet space, and
8 particularly with online marketing aimed at optimizing Internet traffic for sales of automobiles. I
9 have no training in semiconductor technology whatsoever.

10 4. At no time have I ever had possession of, seen, used, disclosed or in any way tried to do
11 any of those things or otherwise to “misappropriate” any information belonging to the Plaintiff,
12 Verigy, Inc. (“Verigy”). I wouldn’t be able to recognize a Verigy trade secret if they were shown
13 to me (and none have been shown to me even as part of the defense of this litigation), but in any
14 event, I never in any way possessed, used, disclosed or otherwise misappropriated any information
15 of Verigy, and I have had no prior knowledge of others doing so. I am a passive shareholder in
16 Silicon Test Systems, Inc. (“STS”); I have never as part of my brother, Romi’s companies, had any
17 involvement with Verigy information, and I have no idea what in fact others may have done in this
18 regard, if anything.

19 5. As I understand it, the only “charging” allegations against me in the entire complaint
20 filed by Verigy is that I am Romi’s brother, and that I allegedly am “engaged in business” with
21 Romi. These allegations against me are made on information and belief only. It is indisputably
22 true that I am Romi’s brother, and just as indisputably untrue that I am not “engaged in business”
23 with him. As I have earlier stated in my prior declaration, my only role in one of Romi’s
24 companies is that I am a passive, minority shareholder in STS. I am not an employee, not an
25 officer, and not a director of STS and I have never been in any such role for STS. Attached as
26 Exhibit 1 is a true and correct copy of the Statement of Information filed by Silicon Test Systems,
27 Inc. This document is publicly available through an order form located on the California Secretary
28 _____

1 of State website at URL www.sos.ca.gov/business/be-ircform.pdf. Attached as Exhibit 2 is a true and
 2 correct copy of the Action by Written Consent of the Incorporator of Silicon Test Systems, Inc.,
 3 dated December 29, 2006. This document lists the number of members of STS's Board of
 4 Directors as one (1): my brother, Romi. Attached as Exhibit 3 is a true and correct copy of the
 5 Unanimous Written Consent in Lieu of First Meeting of the Board of Directors of Silicon Test
 6 Systems, Inc., Jan. 2, 2007. This document lists the elected officers of STS as:

7	President:	Romi Mayder
	Treasurer:	Romi Mayder
8	Secretary:	Romi Mayder
	Chief Executive Officer:	Romi Mayder

9 Ex. 3 at p. 1.

10 6. I have never had any access to any Verigy computers or Verigy computer networks, or
 11 the information contained on such computers or computer networks, and have certainly never used
 12 any such information. I never collected any information from any such computers, or used any
 13 such information. I have never touched a Verigy computer. I have never even seen a Verigy
 14 computer. Nor have I touched or seen any Verigy information (other than pleadings in this case).

15 7. I have never had any access to or copied any Verigy electronic communications, storage
 16 or electronic data and have never ever tried to intercept or access the same. I have no knowledge
 17 of anyone trying to access such electronic communications. I have never accessed any such
 18 information in order to defraud or extort anything from anyone, including Verigy. I have never
 19 knowingly used any information of Verigy or any other person or entity that I understood to be the
 20 result of someone illegally obtaining such information.

21 8. I have had absolutely no involvement in creating the "STS Device" as referred to in
 22 Verigy's complaint and have had no involvement with the design, development, engineering,
 23 marketing,, licensing, sales or anything to do with that. I have not participated in presentations to
 24 others regarding STS or regarding any STS device or any product or service whatsoever of STS or
 25 any other of my brother Romi's companies.

26 9. I have no knowledge whatsoever as to who Verigy's clients are, and no knowledge of
 27 any prospective economic advantage it had or claims with any client, including but not limited to
 28 Intel, Micron, Spansion and Sandisk. I have never taken any actions to try to interfere with these

1 or any other relationships Verigy may have with clients or prospective clients. I have never been
 2 involved in any advertising or marketing activities for my brother Romi or his companies in
 3 connection with any of these or any other entities, since I have no role in my brother's companies
 4 except as a minority shareholder.

5 10. I have no knowledge about any "Verigy Project" other than the fact that it is referred to
 6 in the Verigy complaint. I have had no access to, never seen, never been told about nor even
 7 understand the information that Verigy claims was contained or generated in relation to any Verigy
 8 Project. My brother does not even talk to me about any of these things because he knows that I do
 9 not have an engineering background, he knows that I am not technical and he knows that I would
 10 not understand it even if I wanted to understand it (and I don't have the time or desire to
 11 understand it). Put simply, my brother also speaks some foreign languages (such as Portuguese
 12 because his wife also speaks that language and they are training their one-year old daughter to do
 13 so) and if Romi tried to talk to me in Portuguese, I would not understand a word, and the same is
 14 true with regard to any of the design, development, engineering and other technical matters that are
 15 the subject matter of the dispute that exists between Verigy and the other defendants.

16 11. I have never seen Romi's "Inventor Notebook" and I have never made any entries into
 17 it. I have never instructed or asked that anyone else do so. I did not require or request that Jon
 18 Davidson, a long-time friend and one of the employees of my company, do anything false or
 19 fraudulent nor would he do so. I have read his declaration and I believe he is telling the truth based
 20 on the fact that I know him to be a truthful and honest friend and employee of my company. I
 21 never asked him to do or be otherwise.

22 12. As a passive minority shareholder of STS, I simply do not understand how I can
 23 rightfully be a defendant in this case and accordingly, I request dismissal from this case.
 24 I declare under penalty of perjury that the foregoing statements are true and correct and that this
 25 Declaration was executed on June 10, 2008 in San Jose, California.

26
 27 /s/
 Wesley Mayder

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1 I attest under penalty of perjury that concurrence in the filing of this document has been
2 obtained from Wesley Mayder.

3 Dated: June 10, 2008

By: /s/
Jack Russo

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